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ATTACHMENT II

German Administrative Academy
Forst Zinna

4 Feb. 1949

Oral Examination QuestionsLaw:

1. Is our present-day justice a class justice?
Is the independence of the judge preserved in the Soviet Zone of Occupation?
Is this independence disturbed by a political attitude of the judge?
2. Lay jurisdiction was the demand of which class?
Difference between a sheriff's court and a jury court of the old style.
Why was no democratic administration of justice guaranteed nevertheless?
3. By what was the tension between the government and justice determined?
4. Why is the tension today without reason?
5. What form of cooperation of government and justice do we have today?
6. Legal matters, with regard to which the relationship of government to justice has been changed since 1945.
7. The prospect for voluntary justice.
8. The organization for work protection in the Soviet Zone.
What are the work-protection inspectors, the counselors, the committees for work protection?
9. What is judicial positivism?
10. When was the flowering of positivism and why?
11. Does not the judge through the principle of the connection to the law necessarily become a positivist?
12. What is law?
13. What is the chief difference between the idealistic and materialistic concept of justice?
14. Do bourgeois states know a special law of industrial punishment?
15. Is the significance of industrial punitive procedure declining with the elimination of the economy of deficiency?
16. What are the arguments in favor of an industrial punitive procedure before the government officials?
17. Why would the individual work contract be considered in the liberal state as a purely civil debt? (What is the sphere-theory) What evil situation for the worker follows from this?
18. Why in fascist states is it called a working relation instead of contract?
19. What is the nature of the individual working contract today?
Legal cases in which the improved position of the worker is revealed.
 - a.) Is opposition possible?
 - b.) Is free notice possible?
 - c.) Does the duty to provide extend to the workman's affairs?
 - d.) Has the worker a right to occupation or only to payment of wages?
20. Does the subject "Workers' justice" belong to public or civil law?
How was it in the fascist state?
Why could there be until 1918 no distinct "workers' justice"?

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25X1

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25X1

ATTACHMENT II

- 2 -

21. Difference between the works counselors law of 1920 and the law of the Control Council No. 22.
What significance has the shifting of the main emphasis from the works council to the B.G.L. (Betriebs-Gewerkschaftsleiter)?
22. Difference between objective and subjective justice.
23. The legal structure of a cooperative.
24. The difference between a non-profit fellowship and a corporation for profit.
25. Difference between "Vorpflchtungsgeschäft" and "Verfügungsgeschäft".
26. Why and in what respect have the family rights of the B.G.B. become obsolete?
 - a) with respect to the wife and mother.
 - b) with respect to the illegitimate child.
27. The capitalistic property concept.
What is expropriation, limiting the extent of private property, and comprehensive control of private property?
28. The present-day property concept.
29. What is the task and purpose of punishment today?
How is the execution of punishment to be renewed?
30. What is legal majority, limited and full business competence?

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CENTRAL INTELLIGENCE AGENCY

25X1

ATTACHMENT II

- 3 -

German Administrative Academy
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4 Feb. 1949

Examination QuestionsI Classes and class struggle

1. What are classes?
2. Because of what basic causes has society split into classes?
3. Are farmers a class?
4. What original forms of the class conflict do you know?
5. What is understood by class consciousness of the proletariat?
6. What are the chief epochs of the development of human society?
7. What class structure have we in the Soviet Union?
8. What is understood by class antagonism?
9. Will there always be classes?
10. What is the historical role of the proletariat?

II General doctrine of the state.

1. How and when has the state arisen?
2. In what does the nature of the state consist?
3. Under what conditions does the substance of the state alter?
4. What forms of state are found in capitalism?
5. In what is the capitalistic state different from the imperialistic state?
6. What is understood by the dictatorship of the proletariat?
7. What are the people's democracies?
8. What character does the nature of the Soviet-Zone state bear?
9. Why is there still a state in the socialistic Soviet Union?
10. How can the state be abolished?
11. What modern theories of the state do you know and what is their content?
12. Explain the class substance of the fascist state.
13. What is the difference between formal and real democracies?
14. Is there a contrast between democracy and dictatorship?
15. What two functions has the state?

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ATTACHMENT II

German Administrative Academy
Forst Zinna

5 Feb. 1949

25X1

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Examination Questions

Theory of Administration and Administrative Law

1. What is governmental administration?
2. What are the most important historical administrative systems?
3. What are the most important organizational principles of government?
4. What is self-government and when did it arise?
5. Why and how did the substance of the concept "Self-government" change?
6. What task does Self-government fulfill?
7. How is the position of the DWK different from that of the earlier central administration in the Soviet Zone?
8. What is bureaucracy and what social roots does it have?
9. Why do we at present experience in the Soviet Zone a new bureaucracy and how is it to be combated?
10. What is the relationship between government and the people on the various levels of social development?
11. What significance does the question about the relationship of government and the people have today?
12. In what way is the former professional civil servant different from the public service appointees?
13. What demands must be put upon the public appointees in the Soviet Zone?
 - a) in a personal regard.
 - b) in a professional regard.
 - c) in a political regard.
14. In what way does the administration of a real democracy differ from that of a formal democracy?
15. What are the distinctive characteristics in the administration of a real democracy?
16. What new tasks does the government have to fulfill in the Soviet Zone?
17. What significance have the parties and mass organizations for a democratic state administration?
18. What are the tasks of the new doctrine of government and what particular significance has it for the exercise of government?
19. Why must the expenditures for administration in the Soviet Zone be reduced 50 percent and what inevitable results does this decisive measure have?
20. What are the sources of administrative law?
21. Who initiates this administrative law in the Soviet Zone?
22. What administrative documents do we distinguish?
23. What tax methods do you know?
24. How has the concept of police developed?

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25X1

ATTACHMENT II

-5 -

25. What are the tasks of a democratic police?

Additional Questions:

1. What do you know about government administration in the feudal state?
2. What distinctive characteristics has the government of the absolute state?
3. Why in the bourgeois constitutional state is the administration subordinated to legislation?
4. In what is the distinctive degeneration of administration evident in the fascist state?
5. What is conformity with the law in government administration?
6. Is there in democratic government free thought, if so, what are its limits?
7. Does the democratic Kreis and community regulation still have complete validity?
8. What is the political significance of the regular structural design for Kreis administration in the Soviet Zone?
9. In what does the budget economy in capitalistic states differ from that in the socialistic state?
10. Is there in the economy based on public ownership and in the socialistic economy an independent finance policy, if not, why not?
1. What changes have been accomplished in the administrative jurisdiction?
2. In how far does the individual work contract concern the government?
3. Why, in the course of the democratization of the government, must more and more government functions be taken over by FDGB?
4. What is the difference between a legal decree and a government decree?
5. What import and goal has the higher production decree of 21 July 1943 and how is it different from earlier national production laws?
6. In what direction have the state revenues varied?
7. What is the relationship of government administration and justice in a real democracy?

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ATTACHMENT II

-6-

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Examination Questions

Constitutional Theory and Theory of the State

A. Nature and history of the state

1. Was there in all times been a state?
2. How were human communities organized before the rise of the state?
3. What causes brought about the formation of the first state?
4. Could there be to any extent a democracy in a slave-holding state?
5. What state-type followed the slave-holding state and what was characteristic of it?
6. What caused the crumbling of the feudal state?
7. Did the mastery of the bourgeoisie immediately succeed that of the feudal nobility?
8. What was the cause of the rise of the absolute state?
9. Where did the bourgeoisie first succeed not only economically but also politically?
10. Why did the bourgeoisie develop more strongly in various western countries than in Germany?
11. How did the state appear in England after the victory of the bourgeois revolution?
12. Do you know from history particularly significant declarations of human and civil rights taken in the bourgeois sense?
13. Why did the bourgeoisie demand freedom and equality and to what interests were their demands suitable?
14. What were the national relations in Germany during the time of the English and French Revolutions?
15. What is division of power?
16. To what class interests was the division of power suitable in history?
17. When did the bourgeois forces in Germany begin to stir into revolution to a considerable extent?
18. How did the events of 1848-49 end in Germany?
19. Was the Weimar Constitution a realistic one?
20. Did the Weimar Republic give to justice particular possibilities for political effect?
21. Was the professional character of the Civil Service a support for the democratic forces in Germany?
22. Is there still a state in the Soviet Union today?
23. Why is there still a state in the Soviet Union?
24. Will there always be a state?
25. What organization in the Soviet Union forms the core of political power?

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25X1

ATTACHMENT II

- 7 -

26. On what class is the state supported in the Soviet Union?
27. Are there civil rights in the Soviet Union?
28. In what way do the civil rights differ in the Soviet Union from those in bourgeois states?
29. What significance has the Soviet Union for the rise of the people's democracy?
30. Has the class conflict ceased in the people's democracy?
31. What state organs are characteristic of the people's democracy?

B. Modern constitutional problems in Germany

1. What constitutions are already valid law in Germany?
2. Do you know something about the statements of German state constitutions, about the relationship of the individual state and the all-German state?
3. What is the relationship of the state constitution to the division of power?
4. What is the relationship of the state legislature and justice in the Soviet Zone?
5. Can the people effect an influence on the state only through Parliament, or how else can the people have a share in the exercise of the supreme power?
6. Is the DWK a democratic institution?
7. Have we today in the Soviet Zone a fully developed German state apparatus? (If not, why not?)
8. What are the economic pre-suppositions for the realization of a real democracy in all of Germany and in every zone?
9. Why is the constitution proposed by the People's Council not a socialistic constitution?
10. In what relation do the people and the supreme power stand under the proposal of the People's Council?
11. How, according to the proposal of the People's Council, is the center of gravity in the relationship between the republic and the Lnder organized?
12. Does the administration of the government lie in the hands of the republic or in the hands of the Lnder according to the proposal of the People's Council?
13. What relationship have church and state not consistently carried out in the People's Council proposal?
14. Why is the separation of church and state not consistently carried out in the People's Council proposal?
15. Through what stipulations does the People's Council's proposed constitution seek to counteract an enduring change in the form of government?
16. What different import has the setting up of a second chamber in the Soviet Union and in Germany?
17. According to the People's Council proposal, does the possibility exist for German citizens to serve in foreign or international military units? (If yes, under what conditions?)
18. Through what stipulations is the People's Council proposal suitable to a future all-German bloc policy?
19. Is the proposed constitution of the People's Council after it goes into effect immediately binding law for the judge? (If so, what does this signify?)

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